



RAVALLI COUNTY ATTORNEY

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RECEIVED

JUL 19 2007

Ravalli County Commissioners

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TO: Karen Hughes
CC: Commissioners ✓
FROM: Alex Beal, Deputy 
DATE: July 19, 2007

RE: Parkland dedication in minor subdivisions

You have brought to my attention that HB 415, which provided for the ability of counties to require parkland dedication of minor subdivisions, does not provide for an effective date. You noted that this has been included already in our subdivision regulations. In the absence of a specified effective date, legislative acts are governed by:

1-2-201. Statutes -- effective date. (1) (a) Except as provided in subsection (1)(b), (1)(c), or (1)(d), every statute adopted after January 1, 1981, takes effect on the first day of October following its passage and approval unless a different time is prescribed in the enacting legislation.

(b) Subject to subsection (1)(d), every statute providing for appropriation by the legislature for public funds for a public purpose takes effect on the first day of July following its passage and approval unless a different time is prescribed in the enacting legislation.

(c) Subject to subsection (1)(d), every statute providing for the taxation of or the imposition of a fee on motor vehicles takes effect on the first day of January following its passage and approval unless a different time is prescribed in the enacting legislation.

(d) Every statute enacted during a special session of the legislature takes effect upon passage and approval unless a different time is prescribed in the enacting legislation.

(2) "Passage", as used in subsection (1), means the enactment into law of a bill, which has passed the legislature, either with or without the approval of the governor, as provided in the constitution.

This bill was passed during regular session and does not fall into subsections b, c, or d. As such, this statute is effective October 1, 2007. I do not think that it is a problem that this provision is in our regulations prior to that date, however, we cannot enforce it at this time. We will treat that provision as if it appears in the regulations as of October 1, 2007. Pursuant to MCA § 76-3-604(8), it will then apply to all applications that have not been deemed sufficient as of that date.